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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,351	11/03/2000	Yuichi Ijiri	4296-125	6855

7590

09/11/2002

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EXAMINER

ATKINSON, CHRISTOPHER MARK

ART UNIT

PAPER NUMBER

3743

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 7/23/02 + 7/25/02

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-16 is/are pending in the application.

Of the above, claim(s) 2-4, 6-8 + 13-16 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 5 and 9-12 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of Reference Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

Art Unit: 3743

Response to Election

Applicant's election with traverse of species F as illustrated in Figure 10 and subspecies I as illustrated in Figure 2 in Paper No. 7 is acknowledged. The traversal is on the ground(s) that the search would uncover the species and subspecies. This is not found persuasive because this is not correct since an additional search is required for each additional species and subspecies. Since applicant has failed to provide any arguments that the species and subspecies are not patentable distinct, the species and subspecies are patentable distinct.

The requirement is still deemed proper and is therefore made FINAL.

Claims 2-4, 6-8 and 13-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species and subspecies, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 7. Claim 4 does not read on the elected subspecies but rather on non-elected subspecies iv and vi as illustrated in Figures 6 and 8 respectively.

Claim Rejections - 35 USC § 112

Claims 1, 5 and 9-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 1, 9 and 12, the recitations "the drain", "the polymerizable material" and "the whole" lack antecedence. Since there are a plurality of errors as given above the Examiner has only listed a few of these errors and it is requested applicant review all claims in order to correct all errors.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5 and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ray et al.

Claims 1, 5 and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kister.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 10-12 are rejected under 35 U.S.C. § 103 as being unpatentable over Ray et al. or Kister in view of Grobe et al.

The devices of Ray et al. and Kister disclose all the claimed features with the exception of the claimed fluids.

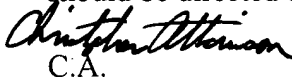
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The document of Grobe et al. discloses that it is known to use the claimed heat transfer fluids in a tube and shell heat exchanger for the purpose of eliminating the need for stirring and preventing backward mixing. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Ray et al. and Kister the claimed heat transfer fluids in a tube and shell heat exchanger for the purpose of eliminating the need for stirring and preventing backward mixing as disclosed in Grobe et al.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Atkinson whose telephone number is (703) 308-2603.


C.A.

September 4, 2002

CHRISTOPHER ATKINSON
PRIMARY EXAMINER